



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed July 14, 2021

Haley G. C. George
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

FRESH ACQUISITIONS, LLC, et al.,¹ § Case No. 21-30721 (SGJ)
Debtors. § Chapter 11
§ (Jointly Administered)

**AMENDED ORDER DIRECTING ARIZONA BANK & TRUST TO PRODUCE
DOCUMENTS AND APPEAR FOR EXAMINATION PURSUANT TO RULE 2004**

The Court has considered the Official Committee of Unsecured Creditors' ("Committee") *Motion for Order Directing Arizona Bank & Trust to Produce Documents and Appear for Examination Pursuant to Rule 2004* ("Motion") [Docket No. 228], the *Motion to*

¹ The Debtors in these Chapter 11 cases (“Debtors”) and the last four digits of each Debtor’s Taxpayer Identification Number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe’s Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan’s Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors’ principal offices are located at: 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248, United States.

AMENDED ORDER DIRECTING ARIZONA BANK & TRUST TO PRODUCE DOCUMENTS AND APPEAR FOR EXAMINATION PURSUANT TO RULE 2004

Reconsider the Motion for Order Directing Arizona Bank & Trust to Produce Documents and Appear for Examination Pursuant to Rule 2004 (“Motion for Reconsideration”) filed by certain Guarantors defined therein [Docket No. 281], and the Committee’s Response thereto [Docket No. 284]. The Court held a hearing on July 9, 2021 (the “Hearing”) and based on the pleadings, evidence admitted at the Hearing and arguments of counsel, and good cause existing,

IT IS HEREBY ORDERED denying in part the Motion for Reconsideration conditioned on the provisions of this Amended Order.

IT IS FURTHER ORDERED that Arizona Bank & Trust (“ABT”) shall produce to Committee counsel Carolyn J. Johnsen, Dickinson Wright, 1850 N. Central Avenue, Ste. 1400, Phoenix, Arizona 85004 or by e-mail at cjohnsen@dickinsonwright.com all documents responsive to the requests set forth in **Exhibit A** to the Motion no later than 5:00 p.m. Pacific Time July 13, 2021, with the exception of the following:

- a. Documents relating to Zios Restaurant Co. LLC and Sushi Zushi of Texas, LLC shall be limited to documents relating to claims for such entities listed in Debtors’ Schedules of Assets and Liabilities and any transfers from the Debtors to such entities.
- b. Financial statements of the Guarantors and non-debtor affiliates and insiders and payment histories reflecting all payments to ABT shall be produced. Account statements and check registers of the Guarantors shall not be produced.
- c. Documents requested regarding VitaNova shall not include transactions between VitaNova and unrelated third parties.
- d. Other than the payment histories reflecting all payments to ABT on loans to any of the Debtors or Alamo Dynamic, LLC, the documents requested in paragraph 11 of Exhibit A do not need to be produced.

AMENDED ORDER DIRECTING ARIZONA BANK & TRUST TO PRODUCE DOCUMENTS AND APPEAR FOR EXAMINATION PURSUANT TO RULE 2004

IT IS FURTHER ORDERED that the production of documents shall be subject to a mutually agreed upon confidentiality agreement between ABT and the Committee and a copy of these documents shall be provided to counsel for the Guarantor, Robin Phelan, robin@phelanlaw.org.

IT IS FURTHER ORDERED that the Committee shall be entitled to request further discovery from ABT.

END OF ORDER # #

SUBMITTED BY:

/s/ Carolyn J. Johnsen

Carolyn J. Johnsen

Texas Bar No. 19844600

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4843-6357-5281 v1 [97257-1]

AMENDED ORDER DIRECTING ARIZONA BANK & TRUST TO PRODUCE DOCUMENTS AND APPEAR FOR EXAMINATION PURSUANT TO RULE 2004